

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 13-50862
Summary Calendar

D.C. Docket No. 1:13-CV-755

MICHAEL HAENDEL,

Plaintiff - Appellant

v.

M. DIGIANTONIO; THOMAS EATON,

Defendants - Appellees

Appeals from the United States District Court for the
Western District of Texas, Austin

Before PRADO, OWEN, and GRAVES, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the appeal is dismissed as frivolous.

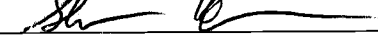
IT IS FURTHER ORDERED that plaintiff-appellant pay to defendants-appellees the costs on appeal to be taxed by the Clerk of this Court.

ISSUED AS MANDATE:

01 OCT 2014

A True Copy
Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By: 
Deputy

New Orleans, Louisiana

United States Court of Appeals
Fifth Circuit


FILED

August 5, 2014

Lyle W. Cayce
Clerk

FILED

OCT 6 - 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

01 OCT 2014

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 13-50862
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 5, 2014

Lyle W. Cayce
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MICHAEL HAENDEL,

Plaintiff-Appellant

v.

M. DIGIANTONIO; THOMAS EATON,

Defendants-Appellees

Appeals from the United States District Court
for the Western District of Texas
USDC No. 1:13-CV-7

Before PRADO, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:*

Michael Haendel filed the instant 42 U.S.C. § 1983 suit to seek redress for actions connected to his January 2011 arrest. The district court granted the defendants' Federal Rule of Civil Procedure 12(c) motion, dismissed the suit, and denied Haendel authorization to proceed in forma pauperis (IFP) on appeal. Now, Haendel moves this court for IFP status, thereby challenging the district court's certification that his appeal was not taken in good faith. *See*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry into Haendel's good faith "is limited to whether the appeal involves legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks and citation omitted).

Haendel has not met this standard. There is little in his opening and reply briefs that relates to the district court's judgment dismissing his suit. The majority of the briefs consists of recitations of various facts and law that do not relate to the district court's judgment. Those few bits of the briefs that do mention various aspects of the district court's judgment, such as Haendel's assertion that qualified immunity is not absolute immunity, do not suffice to show a nonfrivolous appellate claim.

This appeal lacks arguable merit and is thus frivolous. *See Howard*, 707 F.3d at 225. Consequently, Haendel's IFP motion is DENIED, and the appeal is DISMISSED. *See Baugh*, 117 F.3d at 202; 5TH CIR. R. 42.2.

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WESTERN DISTRICT OF TEXAS
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LYLE W. CAYCE
CLERK

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

October 01, 2014

Mr. William Putnicki
Western District of Texas, Austin
United States District Court
501 W. 5th Street
Austin, TX 78701-0000

No. 13-50862 Michael Haendel v. M. Digiantonio, et al
USDC No. 1:13-CV-745

Dear Mr. Putnicki,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Shawn D. Henderson, Deputy Clerk
504-310-7668

cc w/encl:

Mr. Michael Haendel
Mr. Anthony J. Nelson
Honorable Sam Sparks

P.S. to Judge Sparks: A copy of the opinion was sent to your office via email the day it was filed.